

JAMES MICHAEL PAPAIZIAN,)	Case No.: 1:24-cv-01182 JLT HBK
)	
Plaintiff,)	ORDER ADOPTING IN FULL THE FINDINGS
)	AND RECOMMENDATIONS AND DENYING
v.)	PLAINTIFF'S MOTION TO CREATE A CLASS
)	ACTION
J. DOERER, et al.,)	
)	(Docs. 12, 19)
Defendants.)	
)	

The magistrate judge noted that “Plaintiff is a non-lawyer proceeding without counsel.” (Doc. 19 at 2.) The magistrate judge observed, “It is well established that a layperson cannot ordinarily represent the interests of a class.” (*Id.*, citing, e.g., *McShane v. United States*, 366 F.2d 286 (9th Cir. 1966); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir.1987).) In addition, the

1 magistrate judge noted that both the Fourth and Eleventh Circuits determined “it is plain error to permit
2 an imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action.”
3 (*Id.*, quoting *Wallace v. Smith*, 145 F. App’x 300, 302 (11th Cir. 2005), *Oxendine v. Williams*, 509 F.2d
4 1405, 1407 (4th Cir. 1975).) Therefore, the magistrate judge recommended the Court deny the motion
5 for class certification. (*Id.*)

6 The Court served the Findings and Recommendations on Plaintiff and notified him that any
7 objections were due within 14 days. (Doc. 19 at 2-3.) The Court advised Plaintiff that the “failure to
8 file objections within the specified time may result in the waiver of certain rights on appeal.” (*Id.* at 3,
9 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections,
10 and the time to do so has passed.

11 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having
12 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported
13 by the record and proper analysis. Thus, the Court **ORDERS**:

- 14 1. The Findings and Recommendations dated March 10, 2025 (Doc. 19) are **ADOPTED**
15 in full.
- 16 2. Plaintiff’s motion to certify a class (Doc. 12) is **DENIED**.

17
18 IT IS SO ORDERED.

19 Dated: **April 10, 2025**


UNITED STATES DISTRICT JUDGE